

REMARKS

Claims 4-6, 9-11, 14 and 15 stand rejected as being unpatentable over U.S. Patent No. 5,758,329 (Wojcik) in view of U.S. Patent No. 3,155,234 (Knoll). Claims 2-3, 7-8 and 12-13 stand rejected as being unpatentable over the foregoing references and further in view of U.S. Patent No. 5,509,538 (Spindler). Reconsideration of the rejections is solicited in view of the foregoing amendments and the following remarks.

As suggested in the Office Action, claims 4-5, 9-11 and 14 have been amended to add more definiteness to the subject matter recited therein, and, consequently, these grounds of rejection should be removed.

The specification has been amended to add a reference numeral shown in the drawings but previously missing in the specification, and accordingly applicant requests that the drawings objections be removed.

Regarding any rejection under 35 U.S.C. §103, it is respectfully noted that the test for patentability is whether there is some teaching or suggestion in the prior art references to support their use to reject the claimed invention. It is a basic tenet of patent law that the PTO is not permitted to ignore the results and advantages produced by claimed subject matter, of which the prior art is devoid, simply because the recited structure may be similar to that otherwise barren prior art. Further, when evaluating a claim for determining obviousness, all structural and operational interrelationships of the claim must be evaluated.

Applicant further notes that it is impermissible to use the claimed invention as an instruction manual or "template" to piece together the teachings of the prior art so that the claimed invention is rendered obvious. The Court of Appeals Federal Circuit has previously stated that "[o]ne cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention."

Claim 1 is directed to a method for managing shipment of a product through the use of the Internet for automated communicating, essentially in real time, of packing slip information and exceptions therefrom, if any, regarding a

product shipment. Claim 1 in part recites verifying a printed packing slip relative to product actually shipped to a point of shipment receipt. Based on the results of the verifying step, inputting exceptions and/or notations are performed at the point of shipment receipt in connection with product actually shipped to the point of receipt. Claim 1 further recites communicating without human intervention the exceptions and/or notations from the point of receipt to a server for automated processing therein. The automated processing is configured to determine whether or not a modified product shipment is needed for correcting any such exceptions.

Wojcik purports to provide a system for providing efficient management and fulfillment of customer orders in a food processing environment. However, Wojcik falls short regarding certain notable issues in connection with the management and fulfillment of customer orders. More particularly, as shown in FIG. 16 of Wojcik and discussed at Col. 13, line 16 et. seq., Wojcik's system expressly contemplates the need of human intervention in the event of shipment discrepancies. "The carrier (or customer) has to call while at the customer's dock". An order management caseworker needs to get involved to resolve inventory discrepancies. It should be appreciated that the need of this human intervention in Wojcik's system incrementally adds cost and introduces burdensome delays to the management and fulfillment of customer orders. By way of comparison, as set forth in amended claim 1, aspects of the present invention allow communicating without human intervention the exceptions and/or notations from the point of receipt to a server for automated processing therein. The automated processing is configured to determine whether or not a modified product shipment is needed for correcting any such exceptions. Wojcik fails to teach or suggest the foregoing operational relationships. If anything, Wojcik teaches away from the relationships set forth in claim 1 being that Wojcik expressly contemplates the need of human intervention for communicating and resolving shipment discrepancies. Both Knoll and Spindler fail to remedy the deficiencies of Wojcik. It is respectfully submitted that when considering the totality of claim 1, neither Wojcik nor the secondary references, i.e., Knoll and

Spindler, singly or in combination, teach or suggest the foregoing operational relationships. Applicant recognizes that use of a printed packing slip *per se* is not new, however, applicant respectfully quotes former Chief Judge Markey of the Federal Circuit, "virtually all inventions are combinations and every invention is formed of old elements . . . Only God works from nothing. Man must work with old elements".

In view of the foregoing considerations, it is respectfully submitted that Wojcik, Knoll and Spindler, singly or in combination, fail to render claim 1 unpatentable. Since each of the dependent claims from independent claim 1 includes the structural and/or operational relationships respectively recited in such independent claim, it is also respectfully submitted that such references, singly or in combination, also fail to obviate each of such dependent claims.

Claim 6 is directed to a computer-readable medium encoded with computer program code useful for managing shipment of a product through the use of the Internet for automated communicating, essentially in real time, of packing slip information and exceptions therefrom, if any, regarding a product shipment. As discussed above, it is respectfully submitted that when considering the totality of claim 6, neither Wojcik nor the secondary references, i.e., Knoll and Spindler, teach or suggest the structural and/or operational relationships recited in claim 6. Since each of the dependent claims from independent claim 6 includes the structural and/or operational relationships respectively recited in such independent claim, it is also respectfully submitted that such references, singly or in combination, also fail to obviate each of such dependent claims.

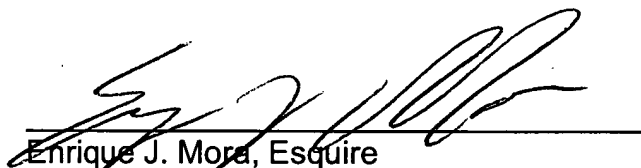
Claim 11 is directed to a web-enabled system for managing shipment of a product through the use of the Internet for automated communicating, essentially in real time, of packing slip information and exceptions therefrom, if any, regarding a product shipment. As discussed above, it is respectfully submitted that when considering the totality of claim 11, neither Wojcik nor the secondary references, i.e., Knoll and Spindler, teach or suggest the structural and/or operational relationships recited in claim 11. Since each of the dependent claims from independent claim 11 includes the structural and/or operational

relationships respectively recited in such independent claim, it is also respectfully submitted that such references, singly or in combination, also fail to obviate each of such dependent claims.

It is respectfully submitted that each of the claims pending in this application recites patentable subject matter and it is further submitted that such claims comply with all statutory requirements and thus each of such claims should be allowed.

The applicant appreciates the Examiner's efforts for conducting a thorough examination, and cordially invites the Examiner to call the undersigned attorney if there are any outstanding items that may be resolved via telephone conference.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Enrique J. Mora', is written over a horizontal line.

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